

From: [Edlund, Carl](#)
To: [Phillips, Pam](#); [Broyles, Ragan](#); [Petersen, Chris](#); [Webster, Susan](#); [Hayes, Mark](#)
Subject: Fw: West Fertilizer
Date: Friday, May 03, 2013 4:16:54 PM

Would appreciate your thoughts.

From: Stanton, Larry
Sent: Friday, May 03, 2013 4:02:35 PM
To: Edlund, Carl
Subject: Re: West Fertilizer

The OSHA lead thing is from a White House meeting last week. The local authority comment is from the Chair of CSB, I assumed (perhaps incorrectly) that he know who his people were in disagreement with.

So - we clearly need DC and R6 of both EPA and OSHA talking. We are trying for a conf call on Monday.

Also, have you heard anything about FEMA asserting investigative lead?

Is the site control agreement Sue mentioned a written document? If so, could we see it?

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From: Edlund, Carl
Sent: Friday, May 03, 2013 3:44:17 PM
To: Stanton, Larry; Tulis, Dana
Subject: RE: West Fertilizer

Thanks for hooking us in on this follow up, Larry. We are a bit confused by the part of that referenced "local authorities" banning CSB from the site. It is our understanding that ATF told CSB that they are not allowed in Zone 3 of the site until after 5/10 when ATF planned to complete their work. CSB could then do their investigation. Though they officially left the site CSB staff has returned periodically [e.g. see our least site summary dated today]. Now ...the State Fire Marshal had asked for ATF support so that could be the local authority that you mentioned.

Unless you have engaged OSHA, we are not aware of any agreement between EPA and OSHA. Is that something that you are pursuing?

If I need to verify any of the who-shot-whom, let me know.

-----Original Message-----

From: Stanton, Larry
Sent: Friday, May 03, 2013 1:56 PM
To: Barab, Jordan - OSHA
Cc: Tulis, Dana; Barnet, Henry; Edlund, Carl; Baxter, Greg - OSHA; Fairfax, Richard - OSHA; Hermanson.john@dol.gov; Michaels, David - OSHA; Galassi, Thomas - OSHA
Subject: Re: West Fertilizer

Jordan -

Thanks so much. Yes, a call on Monday might be just the thing.

Larry

From: Barab, Jordan - OSHA
Sent: Friday, May 03, 2013 2:48:49 PM
To: Stanton, Larry
Cc: Tulis, Dana; Barnet, Henry; Edlund, Carl; Baxter, Greg - OSHA; Fairfax, Richard - OSHA; Hermanson.john@dol.gov; Michaels, David - OSHA; Galassi, Thomas - OSHA
Subject: RE: West Fertilizer

Thanks Larry. We have not discussed who will be the "lead," although we're happy to do it if everyone thinks that would be helpful. Not sure what the status of the CSB is. I had a discussion with their lead investigator (Don Holmstrom) yesterday and he seemed happy with the draft site control agreement that is going around. They generally like to do their own interviews (and there's not much we can do about that), but we want to make sure that their interviews aren't obstructing ours, and between all of the agencies involved, attempt to limit the number of interviews as much as possible. We're hoping we will have early access to the ATF interviews so that we can limit ours.

In the past, the CSB has also liked to do a lot of press conferences, revealing evidence and preliminary conclusions. We (and other local and federal authorities) have tried to discourage this practice, and we've discussed the fact that such events during this investigation will not contribute to a cooperative atmosphere among all the investigators.

I'm looping in a few other people here, as well as John Hermanson, our Regional Administrator who is heading up the investigation in Texas.
Would you like to try to put together a call on Monday?

Jordan Barab
Deputy Assistant Secretary
Occupational Safety and Health Administration
(202) 693-2000

-----Original Message-----

From: Stanton, Larry [<mailto:Stanton.Larry@epa.gov>]
Sent: Friday, May 03, 2013 12:14 PM
To: Barab, Jordan - OSHA
Cc: Tulis, Dana; Barnet, Henry; Edlund, Carl
Subject: West Fertilizer

Jordan -

I am back from West this morning. It appears that the criminal part of the investigation - while winding down - is going to continue for another little while.

In the meantime, there are issues with CSB involvement and access. I spoke to Raphael (Chair of CSB) in San Antonio on Wednesday, but was not able to come to any conclusions with him as to how CSB would integrate. As of today, I understand the local authorities have banned CSB from the site. This issue will unquestionably work its way to the White House within a week or so.

I have been asked by my leadership to see if we can't develop a short paper on how the investigation will unfold. I am sure the folks on the ground would be happiest if DC stayed out of the matter, but that option seems to be off the table.

To that end, I hope we can talk in advance of Tuesday's conference. My understanding is the EPA has asked (and OSHA has agreed) to have OSHA "lead" the investigation with EPA support. If that is your understanding as well,

excellent. I also understand that both OSHA and EPA have MOUs in place with CSB that should define the manner in which they integrate. We should certainly compare those.

I have copied 2 of my colleagues here in EPA - Henry is our senior LEO, and leads our Agency's criminal investigative work. Carl is our Superfund Division Director in Region 6 - the EPA lead representative on the ground in West (our On-Scene Coordinator) works for him. We three in EPA, along with you and appropriate colleagues from OSHA, would need to put together the short description requested.

My Administrator is hoping for something by the end of next week. How would you like to proceed?

Larry